

HEARING COMMENCED 4.33pm

COMMISSIONER: I'll take appearances please.

MR R. FLANAGAN: If it pleases the commission, FLANAGAN R., for the Australian Workers' Union, Tasmania Branch.

5 COMMISSIONER: Thank you.

MR M. WATSON: May it please the commission, MARK WATSON; I appear on behalf of the Tasmanian Chamber of Commerce and Industry and with me is **PAUL MAZENGARB.**

COMMISSIONER: Thank you. Mr Flanagan?

10 MR FLANAGAN: Thank you, commissioner. Commissioner, this application seeks to vary the award in accordance with principle 16 of the State Wage Case Wage Fixing Principles 1999. 16.1 of the principles identifies the focus of the award review process and consistent with that process, the union is seeking to vary the award to
15 establish a re-formatting of award clauses to remove obsolete or amended or inaccurate award provisions, updating the parties and persons bound provision, replacing it with an award interest provision, inserting also the appropriate enterprise flexibility clause.

20 The process has been done consistent with the requirements outlined in correspondence from the president on 5 February 1998 following the award review conference.

25 In particular the award changes what was previously referred to as supersession and savings, and we do seek the assistance of the commission in identifying those orders which this award effectively consolidates into one award.

Secondly, we have introduced a new employment categories part within the award.

30 Thirdly, we have deleted traineeships and preference of employment provisions - regrettably in the latter case, as those provisions are now obsolete.

35 Fourthly, we've attached to the application a summary of the specific changes which have occurred between the award in the form sought by the parties compared to that of the existing award, and if the commission goes to Appendix 1, you'll see that on the left-hand side the existing award clauses are identified and on the right-hand column under the heading New Award the summary table in the appendix identifies what impact, if any, the new award will have on existing provisions.

The focus of the parties has essentially been on a reformatting exercise and there are no other changes intended in creating the new award other than those identified in the summary table.

5 It would therefore be the submission of the parties, commissioner, that
the award variation sought by the union is consistent with 16.1 in that
it provides for consistent award formatting as required under 16.1(i),
removes obsolete or inaccurate award provisions, updates Clause 6 -
Parties and Persons Bound, and contained within the award already in
10 Part VII there are matters dealing with enterprise flexibility and
facilitative provisions so it wasn't necessary to insert any new
provisions in that regard, and in those circumstances the union would
seek that the commission approve the application in the terms sought.
If it pleases the commission.

COMMISSIONER: Thank you, Mr Flanagan. Mr Watson?

15 MR WATSON: Thanks, commissioner. The document as presented
we advise that we consent to the variation. Obviously we haven't read
the document through word by word but just simply referred to the
Appendix 1 which is the summary of changes as Mr Flanagan has
taken you to and note that it's simply a reformatting exercise and the
20 deletion of the obsolete traineeship provisions. On that basis, as I said,
we consent to the variation. It is in accordance with the award review
process wage fixing principle as it currently stands. That's all, thank
you, commissioner.

25 COMMISSIONER: Well, thank you. I will indicate that I will be
issuing a decision to vary the award in the manner sought. That will
be subject to the document being thoroughly checked and when that
decision is issued, the operative date will be from the date of the order.

The hearing is adjourned.

HEARING ADJOURNED 4.38pm